IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29061 of 2007(I)

PETITIONER:

BHARAT SANCHAR NIGAM LIMITED,
REPRESENTED BY DEPUTY GENERAL MANAGER (PLANNING & ADMINISTRATION), O/O. GENERAL MANAGER, BSNL, ALAPPUZHA.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL

RESPONDENTS:

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1. KERALA WATER AUTHORITY,
REPRESENTED BY MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. PROJECT MANAGER,
JBIC, ASSISTED, KERALA WATER SUPPLY PROJECT,
O/O. PROJECT MANAGER, KERALA WATER AUTHORITY,
SRAVANAM V-777/A, OPPOSITE TELEPHONE BHAVAN,
CHERTHALA.

3. IM/S IVRCL INFRASTRUCTURES &
PROJECTS LIMITED, PROJECT OFFICE, JBIC,
KERALA WATER AUTHORITY PROJECT, BLDG.NO.XIV/218A,
MATHILAKAM, MARUTHORVATTOM P.O., CHERTHALA,
ALAPPUZHA DISTRICT.

4. DISTRICT COLLECTOR, ALAPPUZHA.

BY SRI. BABU VARGHESE, SC FOR KWA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 29061 OF 2007

Dated this the 4th day of October, 2007

J U D G M E N T

The grievance of the writ petitioner is that in the process of laying telecom cables in the Alappuzha district, severe damages are caused to the BSNL underground cables. It is also submitted that there is a co-ordination committee under the Chairmanship of the District Collector, Alappuzha, which ought to interfere in the matter in order to avoid damages. Petitioner makes reference to Ext.P5, a complaint made with a copy to the District Collector, and submits that no action has been taken by any of the respondents.

2. It is seen from Ext.P6 minutes of the meeting of the co-ordination committee that the District Collector had directed the contractor to see that the pipe line works are carried out without causing damage to the BSNL cables and it was also directed that the BSNL and the Kerala Water Authority shall jointly discuss and find out solution to minimise the damages. Petitioner submits that execution of the work is in such a way that is against the norms prescribed by the co-ordination committee. This dispute involves two public sector undertakings and therefore it ought not to have come to the court.

3. Be that as it may, public interest requires that the complaint of the petitioner has to be considered and damages of BSNL cable is avoided.

Therefore, I dispose of the writ petition directing that the 4th respondent shall intervene in the matter convene a meeting of both parties and find out a solution to the problem. This shall be done by the 4th respondent, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.8556/01

JUDGMENT

18TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.